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SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER

RAMOS FELICIANO, ELISEO

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,287

Applicant(s)

NELSON ET AL.

Examiner

Eliseo Ramos-Feliciano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,9,11-15,18-40,47-52 and 56-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9,11-15,18-40,47-52 and 56-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Art Unit – Notice

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Objections

2. Previous objection to claims 62-63 is withdrawn in view of Applicant's amendment filed January 25, 2006.

Claim Rejections - 35 USC § 112

3. Previous rejection under 35 USC 112, second paragraph, to claims 1, 31 and 51 is withdrawn in view of Applicant's amendment filed January 25, 2006.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-5, 9, 11-15, 18-40, 47-52 and 56-66** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (US Patent Application Publication Number 2002/0002643 A1) in view of Björkengren (US Patent Number 6,295,441).

Regarding **claim 1**, Yamamoto et al. discloses a wireless terminal (fairly characterized as “wireless mobile phone”; paragraphs 0025, 0219; Figures 10-11 and 26) comprising:

a body casing having a plurality of surfaces (see Figures 10-11 and 26);

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an input keypad (84, 86, 88) disposed on a first surface of said body casing to facilitate entry of alphanumeric data (Figure 10-11 and 26);

at least a first button (Morse code entry button 86 – paragraphs 0114, 0136, 0216, 0218);
and

complementary logic (combination of elements in Figure 26; such as 330, 384, 338, 388, 386, 390, 392) in support of the at least first button to facilitate entry of alphanumeric data or phrases having one or more words (Figure 15; for example, "HELLO" – Figure 12), in encoded representations of a variable length encoding scheme (Morse code – paragraphs 0017, 0095-0097, 0103, 0129 and many other paragraphs: see entire specification for details) using said at least first button (Morse code entry button 86 – paragraphs 0114, 0136, 0216, 0218), the variable length encoding scheme having a plurality of codes of various code lengths including a first and a second code having a first and a second code length representing a phrase and a vowel respectively, and the first code length being shorter than the second code length (Morse code by definition is of variable length, and the vowels have shorter length than other letters/phrase; see for example code length of vowels "A" and "E" in contrast with letters/phrase "B", "C", "D", "F",... in Figure 15).

However, Yamamoto et al. fails to specify that the first button is disposed or located on a second surface of said body casing. Nevertheless, such limitation is conventional in the art and Björkengren is just evidence of the fact.

Björkengren discloses a wireless mobile phone where a first input button (5 – Figure 1) is disposed or located on a second surface (side) of said body casing (housing 1). The first surface (front) contains an input keypad (7). The advantage of the first input button (5) disposed or

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located on the side/second surface of the body casing/housing (1) is easier operation, non time-consuming, of the even small electronic apparatus, such as mobile phone as suggested by the same Björkengren (column 2, lines 43-53).

Therefore, it would have been obvious at the time the invention was made to modify Yamamoto et al.'s Morse code entry button 86 (first button) location to the side of the body casing/housing as suggested by Björkengren for the advantage of easier operation, non time-consuming, of the even small electronic apparatus/mobile phone.

Regarding **claim 2**, Yamamoto et al. and Björkengren disclose everything as applied above (see *claim 1*). In addition, Yamamoto et al. teaches wherein said mobile phone further comprises a display (190, 90), and said complementary logic further echoes on said display alphanumeric data or phrases represented by encoded representations representing said alphanumeric data and encoded representations directly representing said phases entered using said at least first button (paragraphs 0018-0019; 0217).

Regarding **claim 3**, Yamamoto et al. and Björkengren disclose everything as applied above (see *claim 1*). In addition, Yamamoto et al. teaches wherein each of said at least first button is optically associated with a light source (190, 90), and said complementary logic further cause said light source associated with said at least first button to be energized to light said first (paragraphs 0018-0019; 0217).

Regarding **claims 4-5**, Yamamoto et al. and Björkengren disclose everything as applied above (see *claim 1*). In addition, Yamamoto et al. teaches wherein said mobile phone further comprises a transceiver to send and receive signals (paragraphs 0025, 0219), and an adapter

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interface to removably attach a device ("interface for connection" – paragraphs 0004, 0006, 0008, 0083-0084, 0086, 0090-0091).

However, the combination fails to disclose that it is capable of vibrating to said mobile phone, and to vibrationally output alphanumeric data or phrases received through said transceiver, for touch comprehension, using said removably attached capable of vibrating device. Nevertheless, as explained above, Yamamoto et al. teaches to optically output the alphanumeric data or phrases received through the transceiver for visual comprehension (paragraphs 0018-0019; 0217). It is conventional in the art to implement tactile/vibrational alerts/messages for the visual impaired in substitution of optical/visual alerts/messages. The Examiner takes Official notice of this notion. Several conventional advantages are known, such as aiding the visual impaired, and more private communications, since people around is not disturbed from the tactile/vibrational alerts/messages, etc.

Therefore, it would have been obvious at the time the invention was made to modify the combination's optical/visual alerts/messages for tactile/vibrational alerts/messages as claimed for the advantage of aiding the visual impaired, for more private communication, since people around is not disturbed from the tactile/vibrational alerts/messages, etc.

Since the alphanumeric data or phrases are optically/visually outputted through optical/visual manifestation of encoded representations of the encoding scheme (paragraphs 0018-0019; 0217 of Yamamoto et al.). Following above modification one will obtain wherein said alphanumeric data or phrases are vibrationally outputted through vibrational manifestation of encoded representations of the encoding scheme.

Regarding **claim 9**, Yamamoto et al. and Björkengren disclose everything as applied above (see *claim 1*). In addition, Yamamoto et al. teaches wherein said complementary logic further support user specification of said phrases of one or more words in length (paragraphs 0017, 0096, 0103, 0129).

Regarding **claim 11**, Yamamoto et al. and Björkengren disclose everything as applied above (see *claim 1*). In addition, Yamamoto et al. teaches several standards for Morse code, any of which comprise a code representing a punctuation selected from a group of punctuations consisting of a colon, a semi-colon, a left parenthesis, a right parenthesis, and an exclamation (paragraphs 0096, 0103, 0129-0130; Figure 15). By definition Morse code includes the claimed limitations.

Regarding **claim 12-13**, Yamamoto et al. and Björkengren disclose everything as applied above (see *claims 1 and 11*). However, the combination fails to disclose the custom claimed Morse code. Nevertheless, custom manipulations of the Morse code are matter of Engineering design; therefore, obvious expedient.

Therefore, it would have been obvious at the time the invention was made to provide the combination with custom Morse code as claimed because they would be the best Engineering design choice for the advantage of making the codes easier to learn or remember (as suggested and desired by Yamamoto et al. – paragraph 0019, 0217).

Regarding **claim 14**, Yamamoto et al. and Björkengren disclose everything as applied above (see *claim 1*). In addition, Yamamoto et al. teaches wherein said complementary logic further maps each of said entered variable length encode representations to a corresponding code

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of a fixed length binary representation scheme for representing alphanumeric data (letters – Figure 15; paragraph 0130, *inter alia*).

Regarding **claim 15**, Yamamoto et al. and Björkengren disclose everything as applied above (see *claim 1*). In addition, Björkengren teaches that 5 can include an additional second button for use in conjunction with the first button to enter direct encoded representations for phrases of one or more words (Figures 1-2 of Björkengren).

Regarding **claim 18-20**, Yamamoto et al. and Björkengren disclose everything as applied above (see *claim 1*). In addition, said first and second surfaces are different surfaces of the body casing (see e.g. Figures 1-2 of Björkengren). The first surface is a front surface of the body casing, and the second surface is a second surface of the body casing (see e.g. Figures 1-2 of Björkengren). The first and second surfaces can be the same surface of the body casing (see Figures 10-11 of Yamamoto et al.).

Claims 21-40, 47-52 and 56-66 are rejected for the same reasons *claims 1-5, 9, 11-15, 18-20* are rejected. See detailed explanation above.

Response to Arguments

6. Applicant's arguments filed January 25, 2006 have been fully considered but they are not persuasive.

7. Applicant argues the limitation “to facilitate entry of alphanumeric data or phrases having one or more words” as not disclosed by applied prior art (see page 19 to page 20, first full paragraph of the response).

In response, it is noted that the argued limitation is in the alternative. “When a claim covers several structures or compositions, either generically or as alternatives, the claim is

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deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art.” *Brown v. 3M*, 265 F.3d 1349, 1351, 60USPQ2d 1375, 1376 (Fed. Cir. 2001). See MPEP 2131.

8. Applicant argues that Yamamoto fails to disclose a phrase having a shorter code length than any of the vowels (see page 20 of the response).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a phrase having a shorter code length than any of the vowels) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The limitation “any of” is not claimed.

Furthermore, in response, it should be noted that present specification as originally filed broadly defines the limitation “phrase”. Page 4, last paragraph of present specification as originally filed indicates phrase can be formed with letters, numbers, punctuations and/or symbols. In harmony with that, the letter “I” can be fairly characterized as a phrase as claimed. Because Yamamoto does teach Morse code (see for example Figure 15), as explained in previous Office action and repeated herein, and because “I” (a phrase as claimed) in Morse code is “..” and “U” (a vowel as claimed) in Morse code is “..-”, therefore, a phrase having a shorter code length than a vowel as argued.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER

ERF/erf
April 9, 2006